

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4682 of 2022

Nepal Panda

....

Petitioner

Mr. S.K. Purohit, Advocate

-versus-

***Board of Directors & others Utkal
Grameen Bank***

....

Opposite Parties

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayer :-

“It is therefore prayed that your Lordships may be graciously pleased to admit this case issue notice to the O.Ps. to show cause as to why the petitioner shall not be released with all increments for the period of service from 1985 till 8.9.91 quashing the order dtd.5.5.18 (Annexure-3), 10.9.19(Annexure-5) seeking for recovery of Rs.8,82,791/- allowing commutation of pension pending with them since June, 2019 and on hearing the O.Ps. if they fail to show sufficient reasons for the same, then pass an appropriate order quashing Annexure2-3 and 5

directing the O.Ps. to reassess my salary and pension by allowing the increments for the period from 1985 till 1991 thus release the arrears thereof on salary and pension within a scheduled time frame along with the commutation of pension.

And allow this writ petition with cost.”

4. It is submitted by learned counsel for the Petitioner that although the petitioner retired from service on attaining the age of superannuation on 31.03.2013. However, after retirement of the petitioner, the authorities have issued notice to the petitioner for recovery of some dues under Annexure-3 dated 05.05.2018 for recovery of a sum of Rs.8,82,791/-.

5. Learned counsel for the petitioner draws the attention of this Court to the Regulation i.e. RRB (employees) Pension Regulation, 2018 under Regulation 46 Sub-clause-(2). It is directed that no departmental proceeding shall be initiated in respect of the petitioner in the event more than four years lapsed. Regulation 46 specifically deals with the law to the Bank. Accordingly, learned counsel for the petitioner submits that the proceeding which is sought to be initiated under Annexure-3 by the Opposite Parties is not maintainable in view of Regulation 46 as provided under RRB pension Regulation, 2018.

6. Further, learned counsel for the petitioner submits that the petitioner has submitted a detailed representation before the authorities under Annexure-12 dated 10.03.2020 before the General Manager (III), Utkal Grameen Bank, Bolangir-Opposite Party No.3 with Registered Post dated 14.07.2020. He further submits that no action has been taken on such representation filed by the petitioner as of now.

7. Considering the submissions made by the respective parties and limited nature of grievance of the petitioner and inaction of the Opposite Parties in taking decision on the representation filed by the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Chairman, Utkal Grameen Bank, Bolangir-Opposite Party No.2 to consider the representation of the petitioner in accordance with law within a period of two months from the date of production of certified copy of this order. Further it is directed that while the Opposite Party No.2 consider the representation of the petitioner under Regulation 46 Sub-clause-(2) shall take into consideration of the Regulation i.e. RRB (employees) Pension Regulation, 2018. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order on the same. Any decision taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

8. With the aforesaid direction/observation, this writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge